

Mr. Colby: I asked you all to come out here today to try to clarify a little bit what the discussion this morning was all about. The first and I think most important aspect is that it is not a dispute between the executive branch and the Congress over the Congress' access to information. All the information concerned has been made available to this committee by this agency and by the other agencies. What it really is all about is whether that material, which is highly classified, will be released publicly, and to the other nations that are most interested in it, by the action of a subcommittee of the Congress in a matter of an afternoon, and by a vote of that subcommittee without consultation and discussion with the originators of that kind of material. The material in question does include some material that in my view would reveal the intelligence sources and methods; and there is a specific statute that calls upon me to protect intelligence sources and methods from unauthorized disclosure. The particular kind of material we are talking about also happens to be communications intelligence, and there is a specific statute referring to that and giving that kind of intelligence specific, extra protection beyond what other statutes do for other kinds of classified information and even for other kinds of intelligence sources and methods. Therefore, the question is not whether we will provide this information.

We have provided it. The question is not whether it cannot be made public in some form or another, because over the years we have worked with the other committees of the Congress on many occasions in seeking a particular way of phrasing or paraphrasing or sanitizing in some fashion the documents that they have so that they can be publicly released. I think you'll find that in both my own testimony at various times and in other documents given to the Congress and published by the Congress. You'll also find it, I might add, in a number of subjects that are covered that stem from the most sensitive and highly classified sources. I refer, for example, to the fact that most sophisticated Americans who study Soviet weapons systems know that there is a new generation that is in the process of deployment after considerable experimentation. Most Americans know, on an unclassified basis, the characteristics of those weapons systems, the fact that they have MIRVS, and various aspects of them; and this material comes from the most highly classified and sensitive of sources. But it has been separated from the source indications so that it does not pinpoint the way in which this information was gathered. Therefore, we have in this question here whether we are going to apply the statutory requirement that I do protect intelligence sources and methods and whether we are going to give

extra protection to this particular kind of intelligence sources and methods. We are certainly prepared to negotiate, discuss, and work out solutions to the very real problems we know that this presents to the Congress in wanting to report to the people; and we are sympathetic with that problem and are sure we could do so. But we can't do so if there is an assertion of a unilateral ability of a subcommittee chairman to do this without consultation and without an effort to develop a way in which it can be made public without injuring our sources. With that, I'd be glad to listen to questions.

Speaker: Mr. Colby, the Committee's rules seem to indicate, and I think the Chairman cited today, that the Committee has the power to release whatever information the Committee determines. Do you challenge the legality of that Committee rule or . . .

Mr. Colby: This problem came up in the earlier stages of this relationship, particularly with these investigative committees, and we determined that it is easy to avoid coming to the ultimate question there. Good faith on both sides can be worked through and a solution arrived at that is satisfactory to the other committees and yet does protect the particular sources. And I think that kind of negotiation--discussion, consultation--would have resulted in a solution to this problem.

Speaker: Mr. Colby, you've said in the past that some of the things that have been examples of wrongdoing by the CIA were aberrations, that you should be judged on what the Agency does. Are you at all embarrassed by the revelation that the Agency was so wrong in the Mideast in 73?

Mr. Colby: No, it isn't a revelation. I've referred to it in public many times myself that our estimates were wrong about that war. Many of the journalists here probably have heard me say that. In various speeches I've referred to it. And so, the fact is that we are wrong sometimes. This building is not a crystal ball. It's an attempt to work out the facts and understanding of foreign situations so that our Government can approach those situations on a basis of knowledge and better understanding. Now, in the course we obviously try to point ahead and see what is likely to develop in the future; and we aren't always right. This was the purpose of the post-mortum, which is the subject of discussion today, which was to examine the way we do these things, to find any weaknesses in them, and improve our performance. And we have made a number of changes in order to improve our performance.

Speaker: Chairman Pike suggested this morning that what had happened is that he had simply hit a sensitive nerve, that he was about to demonstrate that the Intelligence Community isn't worth the expense. Were you concerned about that? Do you think that's an accurate statement?

Mr. Colby: No. I've indicated that I really have looked forward to these investigations as a way of clarifying to the American people the real nature of modern intelligence and to get us away from some of the old myths about it. And I'm convinced that a full, fair, responsible investigation will show that our intelligence is the best in the world; and, yes, that it is costly, but that it's important to America and is very valuable to America.

Speaker: Mr. Colby, just so we can be sure . . . (Interruption)

2nd Speaker: Chairman Pike was having a discussion with Mr. Rogovin yesterday about why sources and methods would be revealed in six paragraphs of conclusions from the analyst's statement, and he said that, to him anyway, the average man couldn't see where--pardon me, the average person couldn't see where any sources or methods were revealed by the text of those paragraphs. Could you explain to us as a professional intelligence officer some of the reasons you feel sources and methods were disclosed in those six paragraphs yesterday?

Mr. Colby: Surely. Only in the ones that were deleted and certain aspects that were included, a very few items that were included, does this apply. The fact is that . . . (Interruption)

Speaker: Mr. Rogovin objected at first to the release of any of those paragraphs.

Mr. Colby: We didn't think that they were totally relevant in that degree. We did release it after some discussion, and the

overall conclusion about the failure and the way in which it happened was released.

Speaker: There was nothing about the sources and methods in the release of conclusions--in the release of all the four words.

Mr. Colby: Of all but the four words and the other items that are still deleted.

Speaker: There's nothing about sources and methods in what we have now.

Mr. Colby: That's right.

Speaker: Except for the four words.

Mr. Colby: Except for the four words, and I'm not going to pinpoint those four words.

Speaker: Well, can you pinpoint why they were being . . .

Mr. Colby: The reason I do not want to pinpoint the four words and the reason it is important is that they do reveal intelligence sources and methods, and average men and women don't study these things. Very expert analysts go over it. They go back to the date on which the event took place. They look at the practices that they were going through at that time to see what the basis for the statement in that particular phrase might have been. They examine their own machinery to see if there are chinks in the armor and whether there are gaps in their ability to keep secrets that they want to keep secret.

Speaker: But aren't experts now going through this and aren't they going to spot those four words? And then, why not the rest of us?

Mr. Colby: They may well, but I don't want to help them. And some of their experts may not be as good as some of the others.

Speaker: You've already said that it deals with communications intelligence and it seems a fairly good guess to speculate that the four words you are talking about are "and greater communications security," which indicates that whatever security the Egyptians had we had the ability to penetrate.

Mr. Colby: Well, I'm not going to discuss the specifics of the four words. I am referring to the fact that we do have to examine very carefully whether a particular revelation of certain material would indicate the source. This is the same problem that you ladies and gentlemen of the press have in the way you write certain things in order to protect your sources; that if you write a thing in a certain fashion it will reveal the source, and if you write it in another fashion it won't reveal the source.

Speaker: Why did you have Mr. Rogovin object to the release of the whole paragraph at first, when he first spoke yesterday?

Mr. Colby: When we first talked about this, the question was "Can we release enough of this so that the conclusions come clear--so that the basic thrust of the message comes clear?" And the answer was "Yes, we can." The question

of whether to release the individual texts of the assessments at that time immediately gets into the picking out of one word, two words, three words; and initially we didn't really think it was that important to the theme being pursued, and that consequently it would be easier if he left the whole thing out. But, when an issue was made about it, we looked at it carefully and stressed that only certain, very key words would be important to determining the source.

Speaker: Mr. Colby, you've been concerned about the public credibility of this agency and the substance of this, without going into things that you don't want to discuss, the substance of this involves a four-word phrase and which you assert may jeopardize the sources. But, time and time again, the assertion has been made that sources are involved. Frequently, what seems to be involved is something which any 25-year-old on any side would know. If it is a matter of whether they could come to the conclusion that we have a capability for monitoring communications--is this a great surprise to you?

Mr. Colby: That's no problem. We've indicated that in the text we've released that communications intelligence operations are carried on. The problem here is that we were referring to one specific thing at a specific time and date; and, obviously, in a foreign country certain specific things

were being done at that time. And, a recapitulation of those--a meticulous recapitulation of those--by experts in that country could indicate to them that certain of their systems are strong and certain of their systems are weak.

Speaker: Are you convinced that these four words, whatever these four words are, are really important enough, either in themselves or as an example of something else that would be more harmful, that would justify this confrontation that you have now entered into?

Mr. Colby: I certainly think these four words are worth it. I confess I'm delighted that this issue did not arise over the revelation of a name of an American who has helped us at some risk to his own company's business and his own livelihood, or to a foreign agent of ours who might be exposed to punishment and some form of retribution by his government. We did not have that issue, but it's inherent in this issue that we are discussing: As to whether the Chairman and the subcommittee unilaterally will decide upon the release because they don't think it's important, or whether they will consult with us and work out a solution to the way the matter is phrased so that we both can go away happy.

Speaker: What steps are you prepared to take to regain control of the material that they now have, if they have decided to . . .?

Mr. Colby: That's a subject for further negotiation and discussion. It's premature to answer that question right now.

Speaker: Mr. Colby, did you ask the Committee to delete the four words that we're talking about, or did they just not do it, or were they not asked to delete those four words?

Mr. Colby: They were asked and they voted against it.

Speaker: Mr. Colby, there's always been a suspicion of using the sources and methods argument to keep secret things that would be embarrassing and now there seems to be growing suspicion that you're using this furor to cut off cooperation with that committee and stop its work. Are you going to try to stop the work of that committee?

Mr. Colby: Of all the things I've done in the course of these investigations, I think that keeping information from the committees was not prominent among them. If anything, I've been criticized rather forcefully for giving them more than perhaps was necessary. So we are not holding information back from the committee; we're not holding information back from the Congress; we're not holding information back from our normal links on the Hill. We are asking that we have some arrangement by which we have some assurance that there will not be a unilateral decision by

a subcommittee to go ahead and release something that we think is important without any discussion or consultation with us.

Speaker: Well, for right now are you going to cut off cooperation and stop giving them more material?

Mr. Colby: With respect to the House Committee, certainly. The President indicated that he has directed, and I'm in full support of that, that we no longer provide any witnesses or any classified information to them.

Speaker: Mr. Colby, the only way this committee has made much headway has been to get information from you. In effect, what you are telling us is that you're going to stop that investigation unilaterally.

Mr. Colby: We're going to stop it until we can work out an arrangement where we have some assurance that there won't be any revelation without our discussing it together.

Speaker: Mr. Colby, why do you recommend this action . . . (Interruption)

Speaker: Did you recommend this action to the President, Mr. Colby?

Mr. Colby: Our people were discussing this with the committee yesterday, and I've taken this position. Obviously, the President is aware of this whole situation.

Speaker: Did you personally recommend to the President or Mr. Buchen that this be the method of handling?

Mr. Colby: I made the recommendation to the committee that this material not be revealed, and, then following its

revelation of it, I've been in touch with the White House and various people there to discuss what should be done about it.

Speaker: But they've taken a very particular course of action. They have halted any cooperation . . .

Mr. Colby: I concur fully with that.

Speaker: But did you recommend it?

Mr. Colby: I concur fully with it. I really don't think we are going to get into a discussion of who recommends what to the President at any one time.

Speaker: Can you rule out . . . (Interruption)

Speaker: What else did you recommend?

Mr. Colby: I'm not going to talk about who recommends what to the President.

Speaker: . . . You can recommend it and . . .

Mr. Colby: I really don't think I want to get into the discussion about recommendations to and from the President.

Speaker: Well, you are in the position . . . (Interruption)

Speaker: . . . halt this investigation.

Speaker: Mr. Rowan and others have suggested and I wanted to know if you, in fact, recommended . . .

Mr. Colby: I fully subscribe, agree, and concur with this action.

Speaker: Mr. Colby, these words, we understand now, were the subject of some discussion before and there was obvious disagreement. Is it not the sort of disagreement that

chose to believe that you are wrong?

Mr. Colby: I was not consulted myself. I was not present. I had no opportunity to discuss what it meant, the background of it. I've not had any chance. We could have worked this out undoubtedly over the weekend, or sometime--but to have a vote right then.

Speaker: Did your people discuss it with the committee?

Mr. Colby: Well, I'm not going to go into what happened during the executive session, but we made the point that that material should not be released.

Speaker: My point is--is it really an open page or is it a possibility that it is a matter of judgment, and in its wisdom the committee judged that the argument put forward by your people simply had no merit?

Mr. Colby: It is indeed. It's a matter of judgment, and I think my qualifications to judge this thing are at least as good as the members of the subcommittee who really are just new to this whole field.

Speaker: Mr. Colby, you speak a lot about unilateral decisions. Are you claiming for yourself the unilateral right to decide what of this can be made public?

Mr. Colby: No. As I've said to the other committees of the Congress, we try to avoid getting, and find no necessity to get, to that ultimate question, which is a very complicated question

in our constitutional form of government. We can work it out.

Speaker: And when you do get down to the ultimate question, it's going to be your way rather than their way?

Mr. Colby: I'm going to avoid the ultimate question. This is the position we've taken with the other committees. We just are not going to get to that question. There are lots of times you can work things out without getting to ultimate questions.

Speaker: You got close today.

Mr. Colby: Pardon?

Speaker: Aren't you close to the ultimate question now?

Mr. Colby: Yes, we're close to it now. They've already assumed the answer to the question without trying to work it out.

Speaker: On your part, are you contemplating court action, a declaratory judgment . . .?

Mr. Colby: It's premature to say how we are going to work it out, but we'll undoubtedly negotiate about it and try to resume the cooperation and collaboration that we have had. As I've said, we have provided a great amount of information to all the committees and specifically to the two investigating committees. I don't see any reason why we can't go back to that, provided we get some resolution of this critical question of unilateral authority to release material without discussing it.

Speaker: Mr. Colby, regardless of who took the initiative . . .

(Interruption)

Speaker: . . . could you not have deleted the four words before you brought it to an issue?

Mr. Colby: The question about deleting it--we have tried not to take the position that we will delete all classified information. That's a question that we don't want to go that far. As Chairman Pike said, that would make it impossible to investigate the Intelligence Community.

Speaker: Mr. Colby, some of the words are deleted from this document. Were they deleted by the committee at the suggestion of CIA?

Mr. Colby: Yes.

Speaker: So the committee got the document without the deletions?

Mr. Colby: Yes.

Speaker: Mr. Colby, regardless of who took the initiative in demanding the return of these documents, did you in fact discuss the action with President Ford before the White House made its demand?

Mr. Colby: I've had discussions with the White House today.

Speaker: With President Ford?

Mr. Colby: With the White House.

Speaker: Is it your knowledge that this will be the position taken by the Administration with regard to all agencies, not just your own?

Mr. Colby: The statement by Mr. Lee did specifically say he is speaking for the executive branch.

Speaker: Are the CIA's ground rules on the release of information-- are they clear enough to all the offices of Congress or will this question continue to come up again and again?

Mr. Colby: It's really been no great problem. We give testimony; we give highly sensitive testimony in executive session. We then discuss how much of it can be released. We have discussions and even arguments about how much should be released. We've been able to resolve those arguments in all previous cases to the mutual satisfaction of both sides.

Speaker: Will this relationship continue on this basis or do you see necessity for CIA to get tough?

Mr. Colby: No, I'm looking forward to the continuation of our very good relationships with the rest of the Congress. We have some very good relationships. We regularly provide them with very sensitive material. I'm looking forward to continuing that because we have an understanding that it will not be released without our agreement.

Speaker: Did you have any advance warning what was going to happen yesterday?

Mr. Colby: I found out yesterday.

Speaker: If Mr. Pike refuses to change his position, is there no way that he will be given classified information?

Mr. Colby: That's what the President's directive said today.

Speaker: Mr. Colby, after having heard all this, it seems rather clear that you don't have confidence in the expertise of Congressmen with regard to sensitive classified security information. They on the other hand obviously distrust your motives in invoking sources and methods and national security; and I think that's perhaps the dilemma of our times.

Mr. Colby: I think both sides have a reason for their position and it's a position that reasonable men can work out. There are lots of incompatible things that we work out, we Americans, through discussion and compromise. As I said, paraphrasing, changing words slightly, things of this nature can get the thrust across and still protect the particular source.

Speaker: Do you plan to meet with Mr. Pike on this?

Mr. Colby: Not at the moment. I really don't know what we are going to do about it right now.

Speaker: Have you received any communication from him or anybody else on the committee?

Mr. Colby: No, I have not.

Speaker: Or have you in turn communicated with the committee since the events of this morning?

Mr. Colby: No, I have not. It's premature to give you the answer to what I plan to do.

Speaker: Mr. Colby, you have said that you were looking forward to the day when they would get into the question of how well the intelligence agencies operate. Judging from what's happened right now, it looks like they won't get into it too deeply.

Mr. Colby: I still look forward to getting into it. We have one post-mortum here that does indicate that we were wrong. It's a post-mortum that we put together ourselves in order to learn some lessons. We have other situations that we are really quite proud of it terms of the work of the Agency--the SALT agreements, various others, the Pentagon Papers problems, various things of this nature that have gone on over the years. I think that the purpose of intelligence, again, is not to be a crystal ball that tells you that every leaf on every tree is going to fall on just what time and date. The purpose of intelligence is to increase our general American awareness of the realities of the world in which we live and the factors at work so that we can approach these problems on a basis of better understanding. With this, we obviously try to project. Sometimes we're right--most times we're right--sometimes we're wrong.

Speaker: If I could follow up on that for just a second. If the committee won't be able to get to an evaluation without your cooperation, would you predict that something will be worked out or do you think that this is it?

Mr. Colby: I have great faith in the ability of the American constitutional structure to work out solutions to apparent impasses.

We've done it on many occasions.

Speaker: Mr. Colby, one of the recommendations in the post-mortum would appear to imply, at least to me, greater effort and resources expended on the analytical side and relatively less on the collection side. Have you done anything specific in agreement with that recommendation?

Mr. Colby: As you perhaps know, we have been reducing the amount of personnel and resources in intelligence over the past several years. In that process, I've made a particular effort to protect the analytical side from the same kind and scope of reductions that have applied to some of the others. This has proportionately given them a greater role, although in absolute terms even they have gone down.

Speaker: Mr. Colby, just to pinpoint this . . .

Mr. Colby: Excuse me, we also have put together a number of innovative ideas as to new ways of analysis, new techniques of production of our material, new techniques of presentation of our material to the customers that we serve--a variety of things in order to ensure that our message gets home.

Speaker: The implication that I read into that post-mortum was that you had all the information, but just like at Pearl Harbor you had no way to get it together in the end to make it meaningful.

Mr. Colby: I think the one game that is played in intelligence agencies after an event is to look around for that one report that predicted it, and I guarantee you, you can find it. There is always one report somewhere that predicts an event is going to happen. It may be lost in a hundred that predict it won't, and it may be a prediction of a hundred events that didn't take place. But, after a particular event, you can always find the one report. The post-mortum was to look at the intelligence process of how we put these together and not come up with some nice fuzzy answer that satisfies everybody, and on the other hand, not overlook clear indicators that perhaps are a minority but do deserve serious consideration. I think in that post-mortum that's one of the critical features. We had a bit of a mind set; we thought that certain factors were moving in a particular direction and we did not give adequate attention to some other reports and other factors that indicated the contrary.

Speaker: How much weight do you give to the point that Ray Cline made yesterday on one case of inaccurate performance on the part of the Intelligence Community; that it's all coming from the bottom; you're not getting information from the top; that you're not finding out what is being said in high level negotiations?

Mr. Colby: We see a certain amount of that and a certain amount of it we don't. And with the ability of the press to penetrate the information sources of our Government, I have a certain sympathy with the desirability of holding close some of the more sensitive diplomatic negotiating initiatives and activities; and, therefore, I feel that the intelligence business can give an independent view of a negotiation or a situation in which our political leaders might be operating on a misapprehension based on direct assurances. And, if we in the Intelligence Community can present the fact that that is contradicted by some other indicators, then we make them ask the question of whether they are right or maybe they are being told something that is not right. This happens all the time all over the world.

Speaker: Were you aware enough in the period that Mr. Cline talked about--the Nixon/Kissinger period--were you aware enough of what was being said in high level negotiations to be able to provide that information?

Mr. Colby: I can't give a flat, overall statement about that. Sometimes we knew about them, sometimes we didn't. And, I think that is not the major factor in this situation. It certainly was not the major factor that lead to this particular mistake, by a long shot.

Speaker: Mr. Colby, to get back to the point of the dispute yesterday, were you asserting your objections to whatever it was that the Committee wanted to put in and did eventually make public--as Director of Intelligence, on behalf of NSA, or as CIA Director or what?

Mr. Colby: I was asserting them because the statute tells me that I am responsible for the protection of intelligence sources and methods.

Speaker: Was it NSA that said, "Don't do it"?

Mr. Colby: No, it was me.

Speaker: But as Director of CIA or as Director of Central Intelligence?

Mr. Colby: It says "The Director of Central Intelligence will protect . . .," and that's my job, so I tried to carry out what the statute told me to do.

Speaker: You get the distinction . . .

Mr. Colby: I get it, but I am responsible all around the block.

Speaker: By the same token, Mr. Colby, could you have released the material, unilaterally, on your own . . .?

Mr. Colby: I would have gone through a procedure before I did so. I would have gone through a rather complicated procedure of assessing what the effect might have been. I did release a certain amount of this material, obviously.

Speaker: So you have more power than the Select Committee of the House?

Mr. Colby: I have the power to release what I think will not reveal intelligence sources and methods. I do have that power, which is also in the statute. It says I will protect intelligence sources and methods from unauthorized disclosure. Obviously, if it's an authorized disclosure, I am not supposed to protect it. I think various executive orders have made the point very clearly that we should not overclassify, that we should release things when we can.

Speaker: But you do have the power to decide what is an authorized as opposed to what is an unauthorized disclosure?

Mr. Colby: Anyone who classifies a piece of material can declassify it under the executive orders.

Speaker: But a full select committee, a special select committee of the House of Representatives, in your opinion does not have that same power?

Mr. Colby: Without going through the procedure of consultation with us and discussing it with us, and particularly in the course without prior warning on that day.

Speaker: Well, they consulted with you but they simply did not do what you want.

Mr. Colby: No, I don't think they really did consult with us. They certainly didn't consult with me. They consulted with a couple of my officers, and we did not have a . . . (Interruption) . . .

I had about two or three phone calls during the day, but aside from that, I had no opportunity to discuss in detail the rationale for this.

Speaker: Did you suggest to them via phone call that you could come down and work this out yourself as one of the options?

Mr. Colby: I had suggested that earlier.

Speaker: They were not interested in your presence?

Mr. Colby: No, they were not interested in my presence.

Speaker: Mr. Colby, now that it's out, how do you size up the impact on our Intelligence Community?

Mr. Colby: This particular item? I'll have to wait until I see what actions are taken by a foreign country; because we have lost intelligence. Here is a rather prominent item of great intelligence value that we have lost by a leak. This particular situation, I will have to look at very carefully to see what reaction this causes, not only in the country concerned, but also among other countries as to whether they are going to take advantage of the attention to this problem and look over their procedures to see if they are working properly.

Speaker: Did you describe this next step, that is to the Committee, and the ramifications of it?

Mr. Colby: I don't know what was said by my officers. I certainly didn't.

Speaker: Mr. Colby, are you concerned that the furor over the President's order that attempts to get this back will call attention to this document that it might not have otherwise received?

Mr. Colby: I think that the document as a whole was going to get quite a lot of attention. I think, with your ability to locate references, you're going to do a pretty good job of trying to find out exactly which words, and that certainly will call attention, but I'm not going to pinpoint it.

Speaker: What is the point? If we can. . .

Mr. Colby: That's my point. You can and so can other people if they go at it hard, but everybody in the world hasn't got the same ability that you ladies and gentlemen have of ferreting things out.

Speaker: You may tell them.

Mr. Colby: That's your business.

Speaker: There's been a lot of discussion that perhaps the reason the CIA did this measure was because there are things that would be brought out by the Pike committee's investigation into the Portugal situation next week . . . The CIA's role with the entire Portugal scenario over the last year and a half . . .

Mr. Colby: We are just reacting to this particular situation. We were not thinking ahead to any particular problem in the future. Although, as I did indicate, I am concerned about the human beings who work with us, both Americans and others. I believe that we must make this point. I have given very firm assurances to a lot of people, both Americans and foreigners, that their names will not come out. Now I have got to carry out that assurance or we are not going to get people to work with us. We're already having people withdraw from working with us, and I certainly don't want to chase any more away. I think that gives the answer.

Thank you very much, ladies and gentlemen.